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THE HON'BLE SRI JUSTICE A.GOPAL REDDY

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WRIT PETITION No.17710 OF 2004

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DATE: 21-04-2006

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Between:

V.Naga Mohan Reddy . . .Petitioner

and

The Sub-Collector, Chittoor District. . . .Respondent

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WRIT PETITION No.17710 OF 2004

O R D E R:

When interlocutory petition is taken up for hearing, learned counsel for the petitioner as well as learned Government Pleader for Civil Supplies represented that main writ petition itself can be disposed of and accordingly, argued the matter.

The petitioner filed this writ petition questioning the notification issued by the respondent for appointment of a fair price shop dealer in respect of shop at Singanoddupalli, Hamlet of Errakotapalli Village, Kalakada Mandal, Chittoor District. The vacancy was reserved for Scheduled Tribe candidates. He contended that as per the directions issued by this Court in 1998, number of shops to be reserved were fixed at 50% of shops in the Revenue Division, which is the unit for the purpose of appointment of Fair Price Shop Dealers and therefore, the respondent is not empowered to increase the number of shops reserved. Since it is not permissible to reserve total 42 existing vacancies of Fair Price Shop Dealers in Madanapalle Revenue Division in favour of Scheduled Tribe candidates, the impugned notification is liable to be set aside.

In the counter-affidavit filed by the respondent-
Sub-Collector, Madanapalle Revenue Division, Chittoor District, it is stated that the vacancy of fair price shop dealership at Singanoddupalli has fell vacant due to the resignation of the fair price shop dealer. The said vacancy has been notified as per the guidelines issued in G.O.Ms.No.53, FCS and CA(CS-1) Department, dated 06-10-2003, calling applications from the eligible candidates belonging to S.T. category. The written test and interview were conducted and one Smt V.Saraswathi, wife of Srinivasulu, has been appointed as a fair price shop dealer. Out of 1185 fair price shops existing in the division, 229 vacancies of fair price shop dealers are to be filled among the Scheduled Tribe candidates and therefore, the impugned notification was issued calling applications from the candidates belonging to Scheduled Tribe category.

In view of the circumstances explained in the
counter-affidavit filed by the respondent, no infirmity is discernible in issuing the impugned notification by the respondent calling applications from the candidates belonging to Scheduled Tribe category.

The writ petition fails and is accordingly dismissed. There shall be no order as to costs.

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(A.GOPAL REDDY, J)

21st APRIL, 2006.

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